

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LEONARD ORCUTT,  
Petitioner,

v.

CIVIL ACTION NO.  
11-30153-NMG

GARY RODEN,  
Respondent.

REPORT AND RECOMMENDATION RE:  
RESPONDENT'S MOTION FOR JUDGMENT ON THE PLEADINGS  
(DOCKET ENTRY # 10)

July 25, 2012

**BOWLER, U.S.M.J.**

On June 3, 2011, petitioner Leonard Orcutt ("petitioner"), an inmate at the Massachusetts Correctional Institute in Norfolk, Massachusetts ("MCI-Norfolk"), filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 ("section 2245"). The petition sets out a single ground for relief, to wit, a denial of petitioner's Sixth Amendment right to counsel.

Respondent Gary Roden ("respondent"), Superintendent of MCI-Norfolk, moves for judgment on the pleadings. (Docket Entry # 10). Respondent argues that the decision of the Massachusetts Appeals Court ("appeals court") is not contrary to or an unreasonable application of clearly established federal law as determined by the Supreme Court under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), 28 U.S.C. § 2254(d).

*After consideration of Petitioner's objections thereto (Docket No. 15), Report and Recommendation is accepted and adopted. JMB/Gorton, USDJ 9/27/12*